IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 16213 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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NARANBHAI JESINGDAS PATEL POWER OF ATTORNEY HOLDER - Petitioner(s)
Versus
THE COMMISSIONER FOR HEALTH & MEDICAL SERVICES & 2 - Respondent(s)

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Appearance :
MR NM KAPADIA for Petitioner(s) : 1,
MR SIRAJ GORI APG for Respondent(s) :

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 01/09/2006

ORAL JUDGMENT

1. Leave to add Secretary, Govt. of Gujarat,

Department of Health and Family Welfare as party respondent no.4.

2. Rule. Learned Asst. Government Pleader Shri Gori wavies service of rule on behalf of respondents.

3. In the present petition, the petitioner a retired employee of the State Government has claimed the medical reimbursement to the tune of Rs.2,01,655.55 ps. The case of the petitioner is that as an emergency he had to undergo medical treatment for his heart ailment at Sterling Hospital, Mehsana on or around 6th January, 2006. It is the case of the petitioner that due to sudden emergency developing, the petitioner had no opportunity to seek prior permission from the Government for taking the medical treatment. It is stated that the petitioner had to be rushed to the said hospital due to sudden pain in chest that he developed. Upon investigation it was found that the petitioner had 95% blockage in his artery. Eventually the petitioner had to undergo extensive treatment. It is for this purpose, the petitioner submitted his bills to the Government in

February, 2006. Not getting the claim passed, the petitioner has filed the present petition.

4. Learned advocate Shri Kapadia for the petitioner submitted that the petitioner had to take treatment for life threatening disease. His heart condition was not good. On account of sudden emergency developing, he had to be rushed to nearby hospital. It was eventually found that his heart is damaged extensively for which he had to take further treatment. Considering all these aspects of the matter, it is contended that the claim of the petitioner for medical reimbursement should be passed. He further submitted that Sterling Hospital has since been recognised as one of the hospitals by the Government for permitting the employees to take treatment.

5. Learned Asst. Government Pleader Shri Gori on the other hand without admitting any of the assertions of the petitioner submitted that under circular dated 1/4/2000 there is a procedure for approaching the Government for treating the case as

the special case and for granting the medical reimbursement to the permissible extent even if the patient has to receive treatment from hospitals other than those specified by the State Government.

5.1. He however submitted that if the petitioner approached the State Government with necessary representation and supporting material, his case will be considered in accordance with rules and Government policy.

6. Considering the submissions made, the petitioner shall make a representation to the Government for reimbursement of medical expenditure along with necessary material in support of such a claim. If such a representation is made within a period of two weeks from today, the same shall be considered and disposed of expeditiously and in any case not later than two months from the date of receipt of such a representation.

7. With these directions, the petition is disposed of. Rule is made absolute to the above limited

extent.

(Akil Kureshi, J.)

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